

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:04-cr-52

v.

HON. JANET T. NEFF

ORONDE STOKES,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Oronde Stokes has filed a motion for modification or reduction of sentence (Dkt 248) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Office has filed a Sentence Modification Report (Dkt 261) recommending a reduction in sentence. Defendant has filed a Response (Dkt 268) and an Addendum (Dkt 269) agreeing with the conclusion of the Probation Department. The Government has filed a Response (Dkt 270) and does not object to the recommendation.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentencing Modification Report (Dkt 261) and the Responses, the Court has determined that the defendant is entitled to a reduction of sentence pursuant to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 248) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to 158 months with an effective date of November 1, 2015.

DATED: August 4, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge